

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA**

**SAMSON TUG AND BARGE CO., INC., )  
an Alaska Corporation )  
Plaintiff/Appellant )  
vs. )  
UNITED STATES OF AMERICA, )  
acting by and through )  
the UNITED STATES DEPARTMENT of )  
the NAVY MILITARY SEALIFT )  
COMMAND, and UNITED STATES )  
DEPARTMENT OF THE ARMY )  
MILITARY TRAFFIC MANAGEMENT )  
COMMAND )  
Defendants/Appellees. )  
)**

Case Number: A03-006 CV  
Admiralty JWS

**JOINT STIPULATION OF PARTIES TO  
EXTEND TIME FOR DISCOVERY AND RELATED DEADLINES  
AND PROPOSED ORDER**

COME NOW the parties hereto and respectfully propose this stipulation and Order regarding certain discovery deadlines and related dates. The parties have continued to work to complete discovery in this case. The facts relevant to the claims and defenses involve the formation, performance, and alleged breach of a contract whereby Samson Tug and Barge Co., Inc. (hereinafter "Samson Tug") supported the cargo transportation needs of the Naval Air Station at Adak, Alaska, a facility which is now closed.

Several factors which have delayed the completion of discovery have been addressed in prior joint stipulations to adjust discovery and related deadlines. Counsel have made progress with two depositions taken and several scheduled.

The instant request is made due to health matters. Alaska trial counsel for Samson Tug has had a recurrence of a detached retina. This condition first occurred in the spring of 2005 and resulted in a vitrectomy surgery in May of 2005. In January of 2006 the condition recurred requiring a second vitrectomy surgery utilizing a different technique and use of a silicone oil. A third surgery is necessary not later than June of 2006 to remove this oil and replace the lens as the past surgeries have caused a large cataract which eliminates functional reading vision in counsel's right eye.

Plaintiff originally had engaged specialized Washington, DC, government contracts counsel from the law firm of Garvey Schubert Barer to advise and assist in preparation of the claim and in developing the case on the merits. Given the circumstances described above, the undersigned trial counsel has moved the admission *pro hac vice* of two attorneys from the Garvey firm to provide backup and assistance in all aspects of pretrial discovery and trial preparation and procedure as well. It is hoped and expected that this will allow the case to continue moving forward, notwithstanding the health issues described above.

Counsel have conferred and agree that a six month extension for the close of discovery and related tasks is reasonable and, under the circumstances, necessary. Accordingly the parties are filing this Joint Stipulation and Proposed Order to explain the need for adjustment of the discovery schedule and jointly request the Court's approval of the deadlines proposed herein.

THE PARTIES HEREBY STIPULATE AND AGREE AS FOLLOWS:

(1) The close of discovery presently scheduled for June 16, 2006 should be extended to December 15, 2006;

(2) The date for witness disclosures shall be extended from April 14, 2006 to October 6, 2006;

(3) Plaintiff's disclosure of its experts shall be extended to September 8, 2006, and Defendant's disclosure of its experts shall be extended to October 6, 2006.

(4) The date for filing dispositive motions shall be extended to January 12, 2007.

STIPULATED AND AGREED:

Dated: 3/1/06

*William G. Royce*

William G. Royce  
Law Office of William G. Royce  
Counsel for Samson Tug & Barge Co, Inc.

*Richard D. Gluck*

Richard D. Gluck  
Harold G. Bailey, Jr.  
Counsel for Samson Tug & Barge Co., Inc.

Dated: 3/1/06

*J. Franken*

Jeanne M. Franken  
U.S. Department of Justice  
Counsel for the United States of America

Dated: 3/1/06

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**COMMAND** )  
 )  
**Defendants/Appellees.** )  
 )

**ORDER**

This matter has come before the Court on a Joint Stipulation of the parties seeking to amend and extend the dates for completing discovery, making witness disclosures, and filing dispositive motions,

IT IS HEREBY ORDERED that:

- (1) Close of discovery shall be extended to December 15, 2006;
- (2) The date for exchange of non-expert witness disclosures shall be extended to October 6, 2006;
- (3) The date for Plaintiff's expert witness disclosures shall be extended to no later than September 8, 2006; and for Defendant's expert witness disclosures to October 6, 2006; and

(4) Dispositive motions shall be filed no later than January 12, 2007.

Dated at Anchorage, Alaska this                    day of                           , 2006

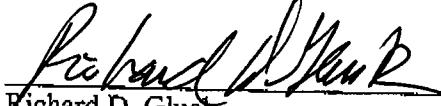
Chief Judge John W. Sedwick  
United States District Court  
District of Alaska

**CERTIFICATE OF SERVICE**

I hereby certify that on February , 2006, a copy of the foregoing Second Request for Production of Documents was served by first class mail, postage prepaid to the following:

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Richard D. Gluck